

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JANET LEIGH FRANKLIN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	C.A. No.04-1513 GMS
MBNA CORP.,	)	
	)	
Defendant.	)	
	)	

**MOTION OF DEFENDANT TO PLACE FILINGS UNDER SEAL**

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Attorneys for Defendant

DATED: July 27, 2006

Defendant MBNA hereby moves to place filings under seal. The grounds for this Motion are as follows:

1. Plaintiff, acting *pro se*, filed the present matter on December 13, 2004. (D.I. 2). Pursuant to the scheduling order, neither Plaintiff nor Defendant moved for a Confidentiality Agreement. No Confidentiality Order has been entered in this matter.

2. On July 27, 2006, Defendant filed a Motion for Summary Judgment. In its Opening Brief in Support of its Motion, Defendant argues that the Americans With Disabilities Act does not provide Plaintiff with a meritorious claim and, therefore, the Complaint should be dismissed.

3. In support of its motion, Defendant cites the deposition of Plaintiff's treating psychiatrist. This deposition testimony contains private medical information about Plaintiff's mental health history. Defendant believes that the information contained in its Opening Brief is private information that should be subject to a Confidentiality Order and filed under seal.

4. However, because no Order had been entered and, indeed, no motion has been filed as to the confidentiality of the referenced medical data, Defendant was not at liberty to file the documents under seal.

5. Having now recognized the sensitive and confidential nature of the facts used to support its Opening Brief, Defendant moves the Court to take the necessary action to protect Plaintiff's privacy. Specifically, Defendant moves the Court to grant the attached Motion for Protective Order approving the Confidentiality Agreement. If so granted, Defendant will submit a redacted version of its Opening Brief, which may be

substituted for the current filing, within the proscribed five-day period, thereby protecting Plaintiff's privacy interests.

WHEREFORE, Defendant respectfully request that this Court place  
D.I. 54, D.I. 55, and D.I. 56 under seal.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Teresa A. Cheek

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MBNA CORP.,	)	JURY TRIAL DEMANDED
Defendants.	)	
	)	
	)	
	)	
	)	

**ORDER**

This matter, having been opened to the Court upon the Motion of Young Conaway Stargatt & Taylor, LLP, attorneys for Defendant MBNA Corp, for the entry of an order granting a Confidentiality Order; and the Court having reviewed such Motion; and good cause having been shown;

IT IS on this \_\_\_\_ day of \_\_\_\_\_, 2006;

ORDERED that Defendant's motion for summary judgment be and hereby is GRANTED.

\_\_\_\_\_  
J.

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Plaintiff,	)	
v.	)	C.A. No. 04-1513-GMS
	)	
MBNA CORP.,	)	JURY TRIAL DEMANDED
Defendants.	)	
	)	
	)	
	)	
	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on July 27, 2006, I electronically filed a true and correct copy of the foregoing **MOTION OF DEFENDANT TO PLACE FILINGS UNDER SEAL** with the Clerk of the Court using CM/ECF. I further certify that on July 27, 2006, I caused to be served two (2) true and correct copies of the foregoing **MOTION OF DEFENDANT TO PLACE FILINGS UNDER SEAL** on the following non-registered participant via postage prepaid, U.S. Mail and First Class Certified U.S. Mail/Return Receipt Requested:

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